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February 13, 2021

RE: In the Matter of PETITION TO AMEND RULES 4.2) 6.1, 6.5, 6.6, 7.2, and
7.4, ARIZONA) RULES OF CRIMINAL) PROCEDURE R-21-0022

I was a member of the Fair Justice for All Supreme Court committee that is referenced in this Rule representing the State Conference NAACP and participated in the meetings and research for the entire time of the meetings. The evidence presented and research done supports a much broader rule, but the present rule is at least a step forward.

Annually, the NAACP passes a set of resolutions at their national meeting that guides the work of the national and individual branches. In 2016, they passed a resolution saying: 3. NAACP CALLS FOR MAJOR IMPROVEMENTS TO BAIL BONDS.

WHEREAS, the use of money bail bonds has increased significantly over the past two decades; and

WHEREAS, the most common reason why people are held in prison or jail pretrial is their inability to afford to pay bail; and

WHEREAS, between 1996 and 2014, the number of unconvicted jail inmates grew by 59 percent; and

WHEREAS, the result of the increase in the money bail requirement disproportionately affects low-income people in our country and racial and ethnic minorities; and

WHEREAS, African-Americans ages 18 through 29 received significantly higher bail amounts than all other defendants and were less likely to be released on their own recognizance than white defendants; and

WHEREAS, monetary bail amounts for minor infractions, misdemeanors, or felonies usually do not take into consideration a defendant's ability to pay in many jurisdictions across the United States; and

WHEREAS, suspects who cannot afford bail are left to languish in prison or jail

for days, weeks, or sometimes even months until their trials. This places additional pressure and the resulting unintended consequences on low-income people who risk losing their jobs, their homes, or more, if they are absent from work for too long; and

WHEREAS, many Americans take a plea bargain and plead guilty (even if they are innocent) merely to get out of jail because they cannot afford the bail; and

WHEREAS, the money bail system imposes a massive financial constraint on government budgets. Pretrial detention is estimated to cost state and local governments an estimated \$14 billion each year; and

WHEREAS, alternatives to bail include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders. Risk assessments by specialists will determine if pretrial services are appropriate; and

WHEREAS, alternatives to money bail amounts can be found in Washington, DC and in the Federal Court system, where money bail has been effectively eliminated. A judge can set bail only if the defendant can afford it; and

WHEREAS, a study from the Administrative Office of the United States Courts found that pretrial detention for a defendant was nearly 10 times more expensive than the cost of supervision of a defendant by a pretrial services officer in the

federal system.

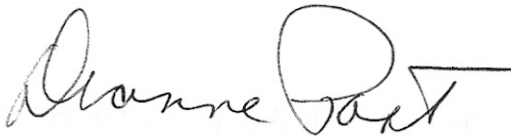
THEREFORE, BE IT RESOLVED that, the National Association for the Advancement of Colored People (NAACP) urges each state and municipality to adopt the Federal Bail System, to include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders in lieu of money bail.

They reinforced that position in 2021 by their policy position: *Money Bail Bonds*

The NAACP has urged each state and municipality to reject monetary bail requirements and instead utilize various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders. This call became especially clear as the Coronavirus began sweeping our nation and we worked hard to keep non-violent accused people out of prisons and jails.

It is long past time that Arizona adopt these much needed changes, and we urge the swift passage of this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Post". The signature is fluid and cursive, with a large, stylized "D" and "P".

Dianne Post